

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JASON J.A. REED,
Plaintiff

v.

**CHAMBERSBURG AREA SCHOOL
DISTRICT FOUNDATION,**
Defendant

:
:
:
:
:
:
:
:

No. 1:13-cv-00644

(Judge Kane)

ORDER

AND NOW, on this 17th day of March 2014, **IT IS HEREBY ORDERED THAT**

Defendant Chambersburg Area School District Foundation's motion to dismiss (Doc. No. 83) is

GRANTED IN PART and **DENIED IN PART** as follows:

1. Plaintiff's equal protection Monell claim (Count One) is not dismissed.
2. Plaintiff's due process Monell claim (Count Two) is **DISMISSED WITH PREJUDICE** to the extent Plaintiff alleges a violation of procedural due process. To the extent Plaintiff brings a Monell claim related to an alleged substantive due process violation, it is not dismissed;
3. Plaintiff First Amendment retaliation Monell claim (Count Three) is not dismissed;
4. Plaintiff's Lanham Act claims (Count Four) are **DISMISSED WITH PREJUDICE** to the extent Plaintiff alleges trade dress infringement and contributory trade dress infringement. Plaintiff's trademark infringement claim under the Lanham Act is not dismissed;
5. Plaintiff's unfair competition claim under the Pennsylvania UTPCPL (Count Five) is **DISMISSED WITH PREJUDICE**;
6. Plaintiff's breach of contract claim (Count Six) is not dismissed to the extent Plaintiff asserts common law breach of contract and a claim under the Pennsylvania Wage Payment and Collection Law. To the extent Plaintiff asserts claims under the Equal Pay Law, Fair Labor Standards Act, or the Lilly Ledbetter Fair Pay Act, the claims are **DISMISSED WITH PREJUDICE**;
7. Plaintiff's quantum meruit claim (Count Seven) is not dismissed; and

8. Plaintiff's tortious interference claim (Count Eight) is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED THAT Plaintiff's motion for a preliminary injunction (Doc. No. 79) is **DENIED**. Defendant's motion to dismiss Plaintiff's Second Amended Complaint (Doc. No. 65) and Plaintiff's second motion for a preliminary injunction (Doc. No. 68) are **DENIED AS MOOT**.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania